

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HELEN WEBB,)	
)	
Plaintiff,)	
v.)	No. 1:21-cv-2157
)	
OLIVE GARDEN HOLDINGS, LLC,)	
)	JURY DEMANDED
Defendant.)	

NOTICE OF REMOVAL

TO: The United States District Court for the Northern District of Illinois.

Plaintiff's Counsel: Adam Goodman
Goodman Tovrov Hardy & Johnson LLC
105 West Madison St., Suite 1500
Chicago, IL 60602
P: (312) 238-9592
agoodman@goodtov.com

NOW COMES Defendant, OLIVE GARDEN HOLDINGS, LLC, by its attorneys, LEWIS BRISBOIS BISGAARD & SMITH LLP, and pursuant to 28 U.S.C. §1441, 28 U.S.C. §1446, and 28 U.S.C. §1332, hereby files its Notice of Removal of this cause to the United States District Court for the Northern District of Illinois, from the Circuit Court of Cook County, Illinois, and respectfully states:

1. On March 4, 2021, Plaintiff filed an action in the Circuit Court of Cook County, Law Division, Cook County, Illinois, entitled *Helen Webb v. OLIVE GARDEN HOLDINGS, LLC*, Case No. 2021 L 002594. (See *Complaint*, attached as **Ex. A.**) Defendant, OLIVE GARDEN HOLDINGS, LLC, in said action now files this Notice of Removal. Upon receiving a file-marked copy thereof, Defendant will serve this Notice of Removal upon Plaintiff as well as file a copy of

this Notice of Removal with the Clerk of the Circuit Court of the Cook County, Cook County, Illinois.

2. A summons and copy of the Complaint was served on OLIVE GARDEN HOLDINGS LLC on March 22, 2021. Accordingly, this Notice of Removal is timely filed within the 30 day deadline.

3. Plaintiff is a citizen of the state of Illinois and currently resides and has resided in Illinois.

4. Olive Garden Holdings LLC is a privately held limited liability company incorporated in the state of Florida. Its principal place of business is located in the State of Florida, with its headquarters located at 1000 Darden Center Dr., Orlando, Florida 32837. Therefore, Olive Garden Holdings, LLC is a citizen of Florida.

6. The Complaint alleges that Plaintiff suffered personal injury when a waiter rammed a food cart into her knee while she was sitting at a table of a restaurant owned and operated by Olive Garden Holdings, LLC located at 3555 W. Addison Street, Chicago, Cook County, IL.

7. The Defendant's counsel herein has a good faith belief that the amount in controversy in this cause exceeds \$75,000.00. Plaintiff alleges that she sustained injuries of a personal and pecuniary nature that exceed the jurisdictional minimum of the Circuit Court of Cook County, Illinois, County Department, Law Division. Plaintiff has demanded judgment in excess of \$50,000.00. Moreover, based on the allegations in the Complaint, Plaintiff is claiming she suffered severe and serious injuries and will continue to suffer injuries of a personal and pecuniary nature. Specifically, Plaintiff alleges she suffered a severe knee injury that resulted in her having a knee surgery performed. In addition, Plaintiff's counsel has stated that prior counsel demanded \$400,000 prior to a suit being filed to settle the matter and that medical specials may exceed \$75,000.00

8. Because this controversy is entirely between citizens of different states diverse from the Plaintiff and the forum, and the amount in controversy exceeds \$75,000, Defendant desires to remove said cause from the Circuit Court of Cook County, Illinois, County Department, Law Division, Cook County, Illinois to the United States District Court for the Northern District of Illinois based on diversity jurisdiction.

WHEREFORE, Defendant, Olive Garden Holdings, LLC, respectfully requests that this case proceed before the United States District Court for the Northern District of Illinois as an action properly removed.

Respectfully submitted,

/s/ Scott C. Bentivenga

Scott C. Bentivenga (ARDC No. 6198298)

Robert F. Kunkel (ARDC No. 6300269)

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IRIS Y. MARTINEZ
* 5 CIRCUIT CLERK 3 *
COOK COUNTY, IL

36443

**CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

HELEN WEBB,)
)
Plaintiff,)
vs.) 2021L002594
OLIVE GARDEN HOLDINGS, LLC,)
)
Defendant.)
)

COMPLAINT

Plaintiff, Helen Webb, complaining of Defendant, Olive Garden Holdings, LLC, states as follows:

PARTIES

1. Plaintiff, Helen Webb, is a resident of Calumet City, Illinois.
2. Defendant, Olive Garden Holdings, LLC, is a Florida limited liability company with a restaurant located at 3555 W. Addison Street in Chicago.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 735 ILCS 5/2-209.
4. Defendant is a Florida entity registered in Illinois that conducts business in Cook County. The accident took place in Chicago and the amount in controversy exceeds \$30,000.

FACTS

5. Defendant owns numerous Olive Garden restaurants across the state of Illinois.
6. The restaurant is open to the public including Ms. Webb.



* 5 0 0 6 3 1 3 3 *

7. On March 8, 2019, Webb dined in Defendant's restaurant, Olive Garden, at 3555 West Addison Street in Chicago. A waiter rammed a food cart into Webb's knee while she was sitting at a table in the restaurant.

8. The incident caused severe injury and she had to have knee surgery.

COUNT I – NEGLIGENCE- VICARIOUS LIABILITY

9. Plaintiff realleges and incorporates by reference the allegations of Paragraphs 1-8.

10. On and before March 8, 2019, Defendant owned, operated, managed, maintained, and controlled Olive Garden in Chicago.

11. On and before March 8, 2019, Defendant's employees owed a duty of care to provide a safe restaurant for customers.

12. On and before March 8, 2019, Defendant's employees owed a duty of care for customers' safety so as not to injure or cause damage to the customers.

13. On March 8, 2019, notwithstanding the duty, an employee was negligent in one or more of the following respects:

- a. Failed to keep a proper and safe place for restaurant customers;
- b. Failed to properly handle a cart while serving food;
- c. Failed to use precautions to avoid a collision while using a food cart;
- d. Failed to provide any warning to Ms. Webb about a potential collision when he knew, or in the exercise of ordinary care, should have known, that a warning was necessary, and a collision was imminent.

14. The employee was serving food in Defendant's restaurant and acting within the course and scope of his employment. Therefore Defendant is liable for its employee's negligence based upon vicarious liability.



* 5 0 0 6 3 1 3 3 *

15. That as a direct and proximate result of one or more of the careless and negligent acts and/or omissions of Defendant, Webb sustained past, present, and future temporary and permanent injuries and damages.

WHEREFORE, Plaintiff Helen Webb, prays for judgment against Defendant, in an amount in excess of Fifty Thousand Dollars which shall represent fair and just compensation, plus her court costs.

COUNT II- NEGLIGENCE

16. Plaintiff, Helen Webb, realleges and incorporates by reference the allegations of Paragraphs 1-8.

17. On and before March 8, 2019, Defendant owned, operated, managed, maintained, and controlled Olive Garden in Chicago.

18. On and before March 8, 2019, Defendant owed a duty of care for customers' safety in a manner so as not to injure or cause damage to the customers.

19. On March 8, 2019, notwithstanding the duty, Defendant was negligent in one or more of the following respects:

- a. Failed to operate the restaurant without keeping a proper and safe place;
- b. Failed to supervise its employees to make sure that they perform duties properly;
- c. Failed to provide any warning to Ms. Webb about a potential collision when it knew, or in the exercise of ordinary care, should have known, that a warning was necessary, and a collision was imminent.

20. That as a direct and proximate result of one or more of the careless and negligent acts and/or omissions of Defendant, Webb sustained past, present, and future temporary and permanent injuries and damages.



* 5 0 0 6 3 1 3 3 *

WHEREFORE, Plaintiff Helen Webb, prays for judgment against Defendant, in an amount in excess of Fifty Thousand Dollars which shall represent fair and just compensation, plus her court costs.

Respectfully submitted,

Helen Webb

One of her attorneys

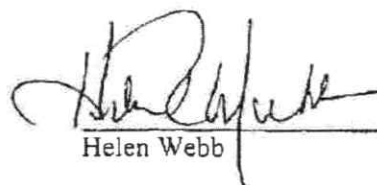
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ILLINOIS SUPREME COURT RULE 222 AFFIDAVIT

The total amount of money damages sought in this complaint, exclusive of costs, exceeds
\$50,000.


Helen Webb